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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,983	02/27/2002	Jeremy Garff	41653/JEC/X2/134058	6864

35114 7590 07/31/2006

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EXAMINER

BLOUNT, STEVEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,983	Applicant(s) GARFF ET AL.	
	Examiner Steven Blount	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, line 5, "the databases" should read "the one or more databases".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,446,133 to Tan et al.

Tan et al teach sending a query message comprising a domain name query (see col 9 line 39) and reviewing and classifying it based on whether it (the message and, consequently, the type of node that sent it) is of a first form which can be supported by a conventional DNS server; or if it is of a second type that cannot. See col 9 line 63. The examiner additionally notes that it is mentioned in the abstract that the type of encoding

used by a particular node to create the message is determined by the iDNS server before this server separates and classifies the messages.

5. Claims 1 – 5, 8 – 19, 22 - 23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 5,999,530 to LeMaire et al.

With regard to claim 1, LeMaire et al teaches monitoring for query packets comprised of IGMP packets and MRDP packets, as described in col 8 lines 38+; in col 5 lines 50+, the MRRDP packets are described as being "Discovery packets" which are a form of a multicast query packet. The IGMP packets taught by LeMaire et al are also described as being query packets in col 4 lines 58+. The packets are classified in the database based on different types, being 1) different Lan groups (col 8 lines 27+); and also 2) Those with active multicast routers and those without (col 8 lines 33+).

With regard to claim 2, see col 5 lines 53+ where multicast routers are discussed.

With regard to claim 3, see the above discussion where it is taught that multicast queriers are used.

With regard to claim 4, the protocol is queried to discover if it is of a type for which multicasting is used.

With regard to claim 5, see col 10 lines 5+, where different groups are discussed.

With regard to claim 8, the bridge sends IGMP report messages back to the node. See col 10 line 12.

With regard to claim 9, note the use of multicast routing protocols in col 10 lines 48+.

With regard to claim 10, note the classification in the database as described in col 8 lines 25+, and also note the discussion above regarding "multicast queriers".

With regard to claims 11 – 12, see the discussion above regarding multicast routers and group membership queries.

With regard to claim 13, note that the IGMP reports are sent through the nodes classified in the database.

With regard to claim 14, note the use of router ports in col 8 lines 46+.

With regard to claim 15, see figure 5, where a classification engine 84 works in conjunction with the memory 88.

With regard to claims 16 – 19 and 22 - 23, see the discussion above where all the claim limitations are addressed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 – 7 and 20 – 21 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,999,530 to LeMaire et al in view of U.S. patent 6,967,932 to Jensen.

With regard to claims 6 – 7, LeMaire et al teach the invention as described above, including determining which Lan to forward the data to as discussed above and in col 8 lines 33+, but do not teach declassifying/reclassifying the node based upon the

elapse of a predetermined length of time.

Jensen teaches determining which multicast traffic needs to be forwarded (ie, to which Lan) based upon the length of time in col 2 lines 45+.

It would have been obvious to one of ordinary skill in the art to have provided LeMaire et al with a means for declassifying/reclassifying the node based upon the elapse of a predetermined length of time in light of the teachings of Jensen in order to provide a means for sending a multicast packet to its proper destination.

With regard to claims 20 – 21, note the discussion above, where the discussion of a “predetermined amount of time” for node classification is found

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ms. Doris To, can be reached on 571 – 272 - 7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER

SB



8/22/06